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Attorneys for Defendant James Cox

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL S. KLEIN,

Plaintiff,

vs.

DWIGHT NEVEN, et al.,

Defendants.

Case No. 2:17-cv-02055-KJD-VCF

**MOTION FOR EXTENSION
TO FILE STIPULATION OF DISMISSAL
(FIRST REQUEST)**

Defendant James Cox, by and through counsel, Adam Paul Laxalt, Attorney General, and Simba M. Muzorewa, Jr., Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby moves for a first extension to file stipulation of Dismissal. This motion is made and based on the points and authorities herein as well as the pleadings and papers on file with the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF THE MOTION

Defendants hereby move for a thirty day enlargement of time of the currently scheduled submittal of proposed order of dismissal to the Court.

II. STATEMENT OF THE CASE

On August 10, 2018, the Court issued its Screening Order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. ECF No. 6. The Court ordered the Office of the Attorney General of the State of Nevada to file a report

1 ninety (90) days after the date of the entry of the Court's Screening Order to indicate the status of the
2 case at the end of the 90-day stay. *Id.* at 14. On November 2, 2018, the parties participated in an EMC
3 and reached a settlement. ECF No. 19. The Court's deadline to file settlement documents and/or
4 stipulation for dismissal is December 17, 2018. *Id.*

5 **III. DISCUSSION**

6 The Court may, for good cause, extend the time in which an act must be done if a request is
7 made before the original time or its extension expires. Fed. R. Civ. P. 6(b)(1)(A).

8 Defendants hereby request an extension of a period of thirty (30) days to allow the parties to
9 memorialize the settlement terms in a settlement agreement and to execute and file a stipulation and
10 order for dismissal of the case. Plaintiff is a pro-se litigant housed at Northern Nevada Correctional
11 Center. Defendant's undersigned counsel has submitted the settlement documents and proposed
12 stipulation for dismissal, but is waiting for Plaintiff's signature and approval. Defendants request
13 additional time for Plaintiff to return the proposed documents and/or raise any objections or revisions to
14 the settlement documents language. Defendants submit that the facts and argument contained herein
15 constitute good cause to enlarge the time to submit a stipulation for dismissal.

16 **IV. CONCLUSION**

17 Based upon the foregoing, Defendants hereby request an extension to submit a stipulation for
18 dismissal.

19 DATED this 14th day of December, 2018.

20 ADAM PAUL LAXALT
21 Attorney General

22 By: /s/ Simba Muzorewa
23 SIMBA MUZOREWA (Bar No. 14097)
24 Deputy Attorney General

25 *Attorneys for the Defendants*

26 **IT IS SO ORDERED.**

27 

28 **UNITED STATES MAGISTRATE JUDGE**
DATED: December 17, 2018

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that
3 on December 14, 2018, I electronically filed the foregoing **MOTION FOR EXTENSION TO FILE**
4 **STIPULATION OF DISMISSAL (FIRST REQUEST)** via this Court's electronic filing system.
5 Parties who are registered with this Court's electronic filing system will be served electronically. For
6 those parties not registered, service was made by depositing a copy for mailing in the United States
7 Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

8 Paul M. Klein, #30918
9 Northern Nevada Correctional Center
10 PO Box 7000
Carson City, NV 89702
Plaintiff, Pro Se

11 /s/ Diane Resch
12 Diane Resch, an employee of the
Office of the Nevada Attorney General
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